

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

JOSEPH P. HART,  
Plaintiff,

v.

COUNTY OF MENDOCINO, et al.,  
Defendants.

Case No. 25-cv-04501-RMI

**ORDER ON MOTION FOR  
APPOINTMENT OF COUNSEL**

Re: Dkt. No. 5

Plaintiff has filed a motion for appointment of counsel. (Dkt. 5). Plaintiff requests that the Court appoint counsel because he suffers from seizures and severe neurological impairments, he has been unable to obtain counsel on his own, the violations alleged are severe, and the facts and law involved are likely to be complex. *Id.* at 1–2. However, there is no constitutional right to counsel in a civil case. *Lassiter v. Dep’t of Social Services*, 452 U.S. 18, 25 (1981). 28 U.S.C. § 1915 confers on a district court only the power to “request” that counsel represent a litigant who is proceeding in forma pauperis. 28 U.S.C. § 1915(e)(1). This does not give the courts the power to make “coercive appointments of counsel.” *Mallard v. United States Dist. Court*, 490 U.S. 296, 310 (1989).

The court may ask counsel to represent an indigent litigant under Section 1915 only in “exceptional circumstances,” the determination of which is based on (1) the likelihood of success on the merits and (2) the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). Neither the need for discovery nor the fact that the pro se litigant would be better served with the assistance of counsel necessarily means the issues involved are

1 complex. *See Rand*, 113 F.3d at 1525 (where the plaintiff’s pursuit of discovery was  
2 comprehensive and focused and his papers were generally articulate and organized, district court  
3 did not abuse discretion in denying request for counsel). The burden to show a need for appointed  
4 counsel is on the plaintiff. *See Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009).

5 Here, the record does not currently show exceptional circumstances as is required to  
6 appoint counsel. It is too early in the case to evaluate Plaintiff’s likelihood of success on the  
7 merits. However, the court finds that Plaintiff has successfully articulated his claims and seems to  
8 have a fair grasp of the law involved. While Plaintiff is concerned about “technical pitfalls  
9 resulting from pro se status, disability, or lack of access to representation” (dkt. 5, p. 2), the  
10 applicable law and the rules of this court are designed to ensure that “technical pitfalls” do not  
11 derail a pro se litigant’s meritorious claim. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A  
12 document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully  
13 pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers[.]”)  
14 (internal quotations and citations omitted); Fed. R. Civ. P. 8(e) (“Pleadings must be construed so  
15 as to do justice.”).

16 The court is also mindful of Plaintiff’s disability. At least one district court in the Ninth  
17 Circuit has found that “appointed counsel may be required in a civil proceeding as an  
18 accommodation for a litigant who is disabled.” *Martinez v. Tarrant*, 2024 WL 5186806, at \*1  
19 (E.D. Cal. Dec. 20, 2024). However, not all disabilities require such accommodation, especially  
20 when it does not appear that a pro se plaintiff’s disability has impacted the quality of his  
21 pleadings. *Id.* at 2 (noting that evidence of a plaintiff’s mental illness was insufficient on its own  
22 to show that he needed counsel, especially since his complaint had survived a motion to dismiss).  
23 Similarly, to the extent that a plaintiff is able to adequately articulate his claims pro se despite his  
24 disability, courts have found that a request for counsel based on disability “essentially makes the  
25 same argument that every pro se inmate can make—namely, that an attorney could or would  
26 handle the case better than he can.” *Hoang Minh Tranh v. Gore*, 2013 WL 878771, at \*3 (S.D.  
27 Cal. Mar. 8, 2013). Plaintiff has not shown that his disability requires that he be appointed  
28 counsel.

1 Accordingly, the Court finds that appointment of counsel is not necessary at this time.  
2 Plaintiff's motion for appointment of counsel is therefore DENIED without prejudice. If later  
3 developments in the case or Plaintiff's health indicate that exceptional circumstances may be  
4 present, Plaintiff may file another motion for appointment of counsel. In the meantime, the court  
5 encourages Plaintiff to take advantage of the Northern District of California's resources and  
6 guidance for pro se litigants, which are available at <https://cand.uscourts.gov/pro-se-litigants/>.

7 **IT IS SO ORDERED.**

8 Dated: July 29, 2025

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11 ROBERT M. ILLMAN  
12 United States Magistrate Judge  
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